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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/990,359 | 11/23/2001 | Miraj Mostafa | 367.40898X00 | 2084 |
| 20457 | 7590 | 04/07/2004 | EXAMINER | |
| ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889 | | | ABEL JALIL, NEVEEN | |
| | | ART UNIT | PAPER NUMBER | |
| | | 2175 | 8 | |
| DATE MAILED: 04/07/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------|----------------|----------|
| Office Action Summary | Application No. | Applicant(s) | <i>M</i> |
| | 09/990,359 | MOSTAFA, MIRAJ | |
| | Examiner | Art Unit | |
| | Neveen Abel-Jalil | 2175 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11/23/01
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-13 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 5 & 7.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested:

Data transmission of MMS content according to recipient preferences.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Barrus et al. (U.S. Patent No. 6,693,652 B1).

As to claims 1, 11, 12, and 13, Barrus et al. discloses a method in a network entity, a computer program for controlling a network entity, a communication system (See column 6, lines 47-53), comprising:

at least one recipient (See column 12, lines 14-59, also see abstract);
a network entity (See column 11, lines 23-30);
receiving media content from a sending entity and addressed to at least one recipient (See column 12, lines 14-59, also see abstract);

accessing a database comprising recipient data describing multimedia reception capabilities and/or reception preferences for at least one recipient (See column 14, lines 1-43, also see column 21, lines 1-8, and see column 27, lines 32-44);

forming, in accordance with said recipient data, a notification message (See column 27, lines 1-30) containing information that said media content is available to be streamed to said at least one addressed recipient (See column 14, lines 8-13, also see column 10, lines 40-50); and outputting the notification message for transmission to said at least one addressed recipient (See column 19, lines 9-33, also see column 27, lines 1-37).

As to claim 2, Barrus et al. discloses further comprising the steps of: receiving the media content in a multimedia messaging server (See column 16, lines 47-67, and see column 17, lines 1-7); and providing the at least one addressed recipient with the media content via the network entity (See column 16, lines 15-39); wherein the network entity is a multimedia messaging relay (See column 16, lines 40-67, also see column 17, lines 1-67).

As to claim 3, Barrus et al. discloses wherein a streaming session is established in order to stream at least some of the media content to said at least one recipient (See column 14, lines 8-13, also see column 10, lines 40-50).

As to claim 4, Barrus et al. discloses wherein said establishing of a streamed session is preceded by transmitting the notification message to said at least one addressed recipient (See column 19, lines 9-33, also see column 27, lines 1-37).

As to claim 5, Barrus et al. discloses wherein the media content comprises a set of different types of components and each component can be formatted in one or more formats (See column 6, lines 49-67, also see column 7, lines 1-11, and see column 12, lines 13-34).

As to claim 6, Barrus et al. discloses wherein the method further comprises the following steps before said outputting of the media content:

 checking the format of at least one component of the received media content (See column 16, lines 40-67, and see column 17, lines 1-7);

 determining by using the recipient data whether the format is appropriate for said at least one addressed recipient (See column 20, lines 58-67, and see column 21, lines 1-17, also see column 26, lines 27-60); and

 if necessary, translating the component into a format appropriate for said at least one addressed recipient (See column 12, lines 1-34).

As to claim 7, Barrus et al. discloses wherein said notification message provides a minimum amount of information necessary for said at least one addressed recipient to establish a streaming session with the said network entity (See column 7, lines 30-67, wherein "minimum

amount" reads on "threshold", and see column 14, lines 8-13, also see column 10, lines 40-50).

As to claim 8, Barrus et al. discloses wherein the method further comprises providing a radio link during communication with the addressed recipient (See abstract, also see column 7, lines 15-67, wherein "radio" reads on "audio").

As to claim 9, Barrus et al. discloses wherein said sending entity is chosen from a group consisting of:

a media storing entity of a first telecommunication network, a media storing entity of a second telecommunication network, a media storage in an external data transmission network, and a terminal of the first telecommunication network (See column 16, lines 15-67, also see column 17, lines 1-67).

As to claim 10, Barrus et al. discloses wherein the method further comprises transmitting the notification message to said at least one addressed recipient via a first telecommunication network and forming said notification message taking into account the properties of the first telecommunication network (See column 18, lines 39-67).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sull et al. (U.S. Pub. No. 2002/0069218 A1) teaches method for indexing, searching, identifying, and editing electronic media files.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114. The examiner can normally be reached on 8:00AM-4: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
March 23, 2004

Charles Rones
CHARLES RONES
PRIMARY EXAMINER